

1 RENE L. VALLADARES
Federal Public Defender
2 State Bar No. 11479
BENJAMIN F. J. NEMEC
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 (702) 388-6261/Fax
Ben_Nemec@fd.org

6 Attorney for Paul Alexander Hodge
7

8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,
10 Plaintiff,

11 v.

12 PAUL ALEXANDER HODGE,
13 Defendant.
14

Case No. 2:23-mj-01066-DJA

ORDER RE:

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (Fourth Request)**

15 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.
16 Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States
17 Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public
18 Defendant and Benjamin F. J. Nemec, Assistant Federal Public Defender, counsel for Paul
19 Alexander Hodge, ("Hodge"), that the Court vacate the preliminary hearing scheduled for
20 September 23, 2024, at 4:00 p.m. and reschedule the hearing for a date and time convenient
21 to this Court, but no sooner than 90 days from the current date. This request requires that
22 the Court extend two deadlines: (1) that a preliminary hearing be conducted within 21 days
23 of a released defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an
24

1 information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C.
2 § 3161(b).

3 This stipulation is entered into for the following reasons:

4 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the
5 preliminary hearing within a reasonable time, but . . . no later than 21 days [after the initial
6 appearance] if [the defendant is] not in custody"

7 2. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a
8 showing of good cause—taking into account the public interest in the prompt disposition of
9 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
10 times"

11 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), "[a]ny
12 information or indictment charging an individual with the commission of an offense shall
13 be filed within thirty days from the date on which such individual was arrested or served
14 with a summons in connection with such charges."

15 4. Defendant needs additional time to review the discovery and investigate
16 potential defenses.

17 5. Both counsel for the government and counsel for the defense need additional
18 time to prepare for the preliminary hearing.

19 6. Moreover, the parties have agreed to try to negotiate a global resolution to
20 include the revocation violations¹ and the fraud matter in an attempt to promptly resolve
21 these cases and reduce the judicial and government resources required by this case. The
22

23 _____
24 ¹ Supervised Release Revocation Petitions are pending in case number 2:21-CR-00200-RFB-
VCF and in case number 2:21-cr-93-KJD-BNW.

1 defense requires additional time to adequately advise Hodge regarding any plea
2 negotiations.

3 7. The additional time requested herein is not sought for the purposes of delay,
4 but to allow counsel for Defendant sufficient time to effectively and thoroughly research and
5 prepare defenses and to determine whether to proceed with a preliminary hearing and
6 indictment or to resolve this case through negotiations.

7 8. Accordingly, the parties jointly request that the Court schedule the
8 preliminary hearing in this case no sooner than 90 days from the currently scheduled date.

9 9. Defendant is out of federal custody, agrees to the extension of the 21-day
10 deadline imposed by Rule 5.1(c) and the 30-day deadline imposed by 18 U.S.C. § 3161(b),
11 and waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), provided that an
12 information or indictment is filed on or before the preliminary hearing date ordered
13 pursuant to this stipulation.

14 10. The parties agree to the extension of these deadlines.

15 11. Accordingly, the additional time requested by this stipulation is (a) allowed
16 under Federal Rule of Criminal Procedure 5.1(d); and (b) excludable in computing the time
17 within which the defendant must be indicted and the trial herein must commence pursuant
18 to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under
19 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

20 / / /

21 / / /

22 / / /

23 / / /

24 / / /

Respectfully submitted,

JASON M. FRIERSON
United States Attorney

By /s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL ALEXANDER HODGE,

Defendant.

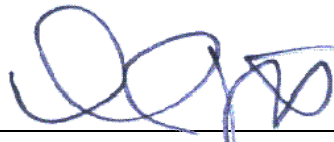
Case No. 2:23-mj-01066-DJA

**Order on Stipulation to
Continue Preliminary Hearing and
Deadline to Indict Defendant**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for September 23, 2024, at the hour of 4:00 p.m., be vacated and continued to December 23, 2024, at the hour of 4:00 p.m..

DATED this 13th day of August, 2024.



HONORABLE DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE